

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE: Emery B. Gurbal and
Brittany R. Gurbal

Debtor(s).

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)
)
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)
)
X

Case No. 18-70827-JAD

Chapter 13

Related to Docs. #56, 57 and 58

ORDER OF COURT
(Check Boxes That Apply)

☒ Confirming Plan on Final Basis

☐ Chapter 13 Plan dated:

☐ Authorizing Distributions Under Plan ☒ Amended Chapter 13 dated:
On Interim Basis Solely as Adequate March 31, 2023
Protection

IT IS HEREBY ORDERED that the Chapter 13 Plan Payment is \$1217 effective 11/20.

IT IS HEREBY ORDERED that pursuant to the plan identified above (the "Plan"), as the same may be modified by this Order, the Chapter 13 Trustee is authorized to make distributions to creditors holding allowed claims from available funds on hand. Such distributions shall commence no earlier than the Chapter 13 Trustee's next available distribution date after the first day of the month following the date on which this Order is entered on the Court's docket.

IT IS FURTHER ORDERED that those terms of the Plan which are not expressly modified by this Order shall remain in full force and effect. To the extent any terms and conditions of the Plan are in conflict with this Order, the terms of this Order shall supersede and replace any conflicting terms and conditions of the Plan.

1. **Unique Provisions Applicable Only to This Case:** *Only those provisions which are checked below apply to this case:*

- ☒ A. For the remainder of the Plan term, the periodic monthly Plan payment is amended to be \$1263, beginning 5/23. To the extent there is no wage attachment in place or if an existing wage attachment is insufficient to fund the Plan payments, counsel to the Debtor(s) shall within seven (7) days hereof file a wage attachment motion (or motions) to fully fund the Plan payments, or shall sign up for and commence payments under the Trustee's TFS online payment program.

- ☒ B. The length of the Plan is changed to a total of at least 60 months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved.
- ☐ C. To the extent this Order is entered as a form of adequate protection, the Trustee is authorized to distribute to secured and priority creditors with percentage fees payable to the Chapter 13 Trustee on receipt as provided for in 28 U.S.C. §586. ***Continued conciliation conferences before the Trustee or contested hearings before the Court shall proceed on such dates and times as appear on the case docket.*** The Trustee is deemed to have a continuous objection to the Plan until such time the Plan is confirmed on a final basis.

PARTIES ARE REMINDED OF THEIR DUTY TO MONITOR THE COURT'S DOCKET AND ATTEND DULY SCHEDULED HEARINGS. THE PARTIES ARE FURTHER REMINDED OF THEIR DUTY TO MEET AND CONFER AND OTHERWISE ENGAGE IN GOOD FAITH SETTLEMENT NEGOTIATIONS WITH RESPECT TO ANY OBJECTION TO PLAN CONFIRMATION. FAILURE TO COMPLY WITH THESE DUTIES MAY RESULT IN THE IMPOSITION OF SANCTIONS AGAINST THE OFFENDING PARTY.

- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. The following utility creditor _____ shall be paid monthly payments of \$_____ beginning with the Trustee's next distribution and continuing for the duration of the Plan's term, to be applied by that creditor to its administrative claim, ongoing budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☐ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim:
- _____
- ☐ H. The secured claims of the following creditors shall govern as to claim amount, to be paid at the modified plan interest rate in a monthly amount to be determined by Trustee to pay the claim in full during the Plan term:
- _____

- ☐ I. The secured claim(s) of the following creditors shall govern as to claim amount, to be paid at the indicated interest rate in a monthly amount to be determined by Trustee to pay in full during the Plan term:
-

- ☐ J. The secured claim(s) of the following creditor(s) shall govern, following all allowed post-petition payment change notices filed of record:
-

- ☒ K. Additional Terms and Conditions:

*No payments to Wells Fargo CL#12 as collateral has been surrendered

**All plan payments must be by TFS, WA, or (where eligible) ACH. Trustee reserves the right to reject money orders or cashier's checks, provided further that if she, in her discretion, presents such items for payments she may keep the funds on hold for more than 30 days before distributing on such types of payments. Debtors making payments by money order or cashier's check assume the risk that distributions under the plan will be delayed because of the failure to pay by one of the approved methods.*

2. Deadlines. The following deadlines are hereby established and apply to this case:

A. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates a sale or sales of assets or the recovery of litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

B. Review of Claims Docket and Objections to Claims. Pursuant to *W.P.A.LBR 3021-1(c)(2)*, the Debtor(s) (or Debtor(s)' attorney, if represented), shall review the proofs of claim filed in this case and shall file objections (1) to any disputed timely filed claims within ninety (90) days after the claims bar date, or (2) to any disputed late filed or amended claims within ninety (90) days after the amended and/or late claims are filed and served. Absent a timely objection or further order of the Court, the timely filed proof of claim will govern as to the classification and amount of the claim; provided however, no creditor shall receive a distribution in this case until such time as the relevant allowed claim is provided for in the Plan or any subsequent amended plan.

C. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, and all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

D. Filing Amended Plans or Other Stipulation. Within fourteen (14) days after the Bankruptcy Court resolves the priority of a claim, avoidability of a lien or interest, or extent of a lien, or any objection to claim, the Debtor(s) shall file an Amended Plan or Stipulated Order Modifying Plan to provide for the allowed amount of the lien or claim if the allowed amount and/or treatment differs from the amount and/or treatment stated in the Plan. The Debtor(s) or Counsel for Debtor(s) should inquire with the Chapter 13 Trustee regarding whether an Amended Plan or proposed Stipulated Order Modifying Plan is the preferred course of action. In addition, if after the conclusion of the claims bar date and any associated litigation, the Plan is underfunded, Debtor(s) shall also file (1) an amended Plan increasing the monthly Plan payment, and (2) a revised wage attachment to provide for the increased funding.

3. Additional Provisions. The following additional provisions apply in this case:

A. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

B. The Trustee shall hold in reserve any distributions under the Plan to any creditor who holds a claim that is provided for in the Plan but which is subject to a duly filed claims objection. Upon entry of further order of the Court, or ultimate allowance of the disputed claim provided for in the Plan, the Trustee may release the reserve and make distribution to the affected creditor. Unless otherwise permitted by separate Order of Court, Trustee shall not commence distributions to unsecured creditors until after the later of the government bar date and a filed notice of an intention to pay claims (the later date being the "Earliest Unsecured Distribution Date"). Trustee may, but has no obligation to, further defer distributions to unsecured creditors until a later date after the Earliest Unsecured Distribution Date.

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor(s)' counsel must file a fee application in accordance with *W.P.A.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any allowed ***secured claim*** (that is secured by the property subject to the relief from stay order), unless otherwise directed by further Order of Court.

G. The Debtor(s) shall maintain all policies of insurance on all property of the Debtor(s) and this estate as required by law and/or contract.

H. The Debtor(s) shall pay timely all post-confirmation tax liabilities directly to the appropriate taxing authorities as they become due.

Dated: 5/5/2023


United States Bankruptcy Judge

Jeffery A. Deller

cc: All Parties in Interest to be served by Clerk

FILED
5/5/23 11:32 am
CLERK
U.S. BANKRUPTCY
COURT - WDPA

In re:
Emery B Gurbal
Brittany R Gurbal
Debtors

Case No. 18-70827-JAD
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-7

User: auto

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Date Rcvd: May 05, 2023

Form ID: pdf900

Total Noticed: 50

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.
##	Addresses marked '##' were identified by the USPS National Change of Address system as undeliverable. Notices will no longer be delivered by the USPS to these addresses; therefore, they have been bypassed. The debtor's attorney or pro se debtor was advised that the specified notice was undeliverable.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on May 07, 2023:

Recip ID	Recipient Name and Address
db/jdb	+ Emery B Gurbal, Brittany R Gurbal, 163 Tulip Lane, West Decatur, PA 16878-9625
14956548	+ Bureau Of Account Mana, 3607 Rosemont Ave Ste 50, Camp Hill, PA 17011-6943
14956551	+ CBCS, P.O. Box 2724, Columbus, OH 43216-2724
14956552	+ Cbna, 1800 Tapo Canyon Road, Mail Stop #SV-103, Simi Valley, CA 93063-6712
14956558	+ Holiday Financial Serv, 1800 Daisy Street Ext St, Clearfield, PA 16830-3265
14956560	+ Joshua McNamara, Esquire, Hayt, Hayt & Landau, LLC, Two Industrial Way West, Eatontown, NJ 07724-2279
14956577	+ Wells Fargo Card Services, MAC N8235-040, 7000 Vista Drive, West Des Moines, IA 50266-9310

TOTAL: 7

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI). Electronic transmission is in Eastern Standard Time.

Recip ID	Notice Type: Email Address	Date/Time	Recipient Name and Address
14956546	+ Email/PDF: bncnotices@becket-lee.com	May 05 2023 23:39:46	American Express, P.O. Box 981537, El Paso, TX 79998-1537
14981842	Email/PDF: bncnotices@becket-lee.com	May 05 2023 23:39:51	American Express National Bank, c/o Becket and Lee LLP, PO Box 3001, Malvern PA 19355-0701
14956547	+ Email/Text: BarclaysBankDelaware@tsico.com	May 05 2023 23:40:00	Barclays Bank, P.O. Box 8803, Wilmington, DE 19899-8803
14972571	+ Email/PDF: rmscedi@recoverycorp.com	May 05 2023 23:39:55	Bureaus Investment Group Portfolio No 15 LLC, c/o PRA Receivables Management, LLC, PO Box 41021, Norfolk VA 23541-1021
14956549	Email/PDF: AIS.cocard.ebn@aisinfo.com	May 05 2023 23:39:49	Capital One, 15000 Capital One Dr, Richmond, VA 23238
14971214	Email/PDF: AIS.cocard.ebn@aisinfo.com	May 05 2023 23:39:55	Capital One Bank (USA), N.A., PO Box 71083, Charlotte, NC 28272-1083
14956550	+ Email/PDF: AIS.cocard.ebn@aisinfo.com	May 05 2023 23:39:54	Capital One Bank, N.A., P.O. Box 71083, Charlotte, NC 28272-1083
14978281	Email/PDF: bncnotices@becket-lee.com	May 05 2023 23:39:46	Capital One, N.A., c/o Becket and Lee LLP, PO Box 3001, Malvern PA 19355-0701
14988028	+ Email/Text: RASEBN@raslg.com	May 05 2023 23:40:00	Chase Bank USA, N.A., c/o Robertson, Anschutz & Schneid, P.L., 6409 Congress Avenue, Suite 100, Boca Raton, FL 33487-2853
14956554	+ Email/PDF: Citi.BNC.Correspondence@citi.com	May 05 2023 23:39:50	Citi Cards, P.O. Box 6500, Sioux Falls, SD 57117-6500
14991016	+ Email/PDF: Citi.BNC.Correspondence@citi.com	May 05 2023 23:39:56	Citibank, N.A., Citibank, N.A., 701 East 60th Street North, Sioux Falls, SD 57104-0432
14956555	+ Email/Text: bdsupport@creditmanagementcompany.com	May 05 2023 23:40:00	Credit Management Co, 2121 Noblestown Rd,

District/off: 0315-7

User: auto

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Date Rcvd: May 05, 2023

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Total Noticed: 50

			Pittsburgh, PA 15205-3956
14956563	+ Email/PDF: Citi.BNC.Correspondence@citi.com	May 05 2023 23:39:50	Macy's Visa, P.O. Box 183083, Columbus, OH 43218
14991397	Email/Text: bnc-quantum@quantum3group.com	May 05 2023 23:40:00	Department Stores National Bank, c/o Quantum3 Group LLC, PO Box 657, Kirkland, WA 98083-0657
14985134	Email/Text: G06041@att.com	May 05 2023 23:40:00	Directv, LLC, by American InfoSource as agent, PO Box 5008, Carol Stream, IL 60197-5008
14956556	+ Email/Text: mrdiscen@discover.com	May 05 2023 23:40:00	Discover, P.O. Box 71084, Charlotte, NC 28272-1084
14960869	Email/Text: mrdiscen@discover.com	May 05 2023 23:40:00	Discover Bank, Discover Products Inc, PO Box 3025, New Albany, OH 43054-3025
15136143	Email/Text: ECMCBKNotices@ecmc.org	May 05 2023 23:40:00	ECMC, PO BOX 16408, ST. PAUL, MN 55116-0408
14956557	+ Email/PDF: ais.fpc.ebn@aisinfo.com	May 05 2023 23:39:55	First Premier Bank, Credit Card Department, P.O. Box 5519, Sioux Falls, SD 57117-5519
14956559	+ Email/Text: Bankruptcy@ICSystem.com	May 05 2023 23:40:00	I C System, Po Box 64378, Saint Paul, MN 55164-0378
14956553	Email/PDF: ais.chase.ebn@aisinfo.com	May 05 2023 23:39:44	Chase, Cardmember Service, P.O. Box 15123, Wilmington, DE 19886
14956561	+ Email/Text: PBNCNotifications@peritussservices.com	May 05 2023 23:40:00	Kohls/capone, N56 W 17000 Ridgewood Dr, Menomonee Falls, WI 53051-7096
14988222	Email/PDF: resurgentbknofications@resurgent.com	May 05 2023 23:39:46	LVNV Funding, LLC, Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
14956562	+ Email/Text: Documentfiling@lciinc.com	May 05 2023 23:40:00	Lending Club, 71 Stevenson, Suite 300, San Francisco, CA 94105-2985
14978316	+ Email/Text: bankruptcydpt@mcmcg.com	May 05 2023 23:40:00	MIDLAND FUNDING LLC, PO Box 2011, Warren, MI 48090-2011
14956564	+ Email/Text: bankruptcydpt@mcmcg.com	May 05 2023 23:40:00	Midland Funding, 2365 Northside Dr Ste 30, San Diego, CA 92108-2710
14956565	+ Email/Text: Bankruptcies@nragroup.com	May 05 2023 23:40:00	National Recovery Agen, 2491 Paxton St, Harrisburg, PA 17111-1036
14983738	+ Email/Text: bncnotifications@pheaa.org	May 05 2023 23:40:00	PHEAA, PO BOX 8147, HARRISBURG PA 17105-8147
14986834	Email/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com	May 05 2023 23:39:45	Portfolio Recovery Associates, LLC, POB 12914, Norfolk VA 23541
14958784	+ Email/PDF: rmscedi@recoverycorp.com	May 05 2023 23:39:56	PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
14956569	+ Email/Text: bankruptcynotices@psecu.com	May 05 2023 23:40:00	PSECU, P.O. Box 67013, Harrisburg, PA 17106-7013
14956567	+ Email/Text: bncnotifications@pheaa.org	May 05 2023 23:40:00	Pheaa, Po Box 61047, Harrisburg, PA 17106-1047
14956568	+ Email/Text: steve@priorityfirstfcu.org	May 05 2023 23:40:00	Priority First Federal Credit Union, 364 Midway Drive, DuBois, PA 15801-3864
14968541	+ Email/Text: bankruptcyteam@quickenloans.com	May 05 2023 23:40:00	Quicken Loans Inc., 635 Woodard Avenue, Detroit, MI 48226-3408
14956570	+ Email/Text: bankruptcyteam@quickenloans.com	May 05 2023 23:40:00	Quicken Loans, Inc., 1050 Woodward Avenue, Detroit, MI 48226-3573
14956571	+ Email/PDF: gecsed@recoverycorp.com	May 05 2023 23:39:45	Synchrony Bank, P.O. Box 960061, Orlando, FL 32896-0061
14956572	+ Email/PDF: gecsed@recoverycorp.com	May 05 2023 23:39:49	Synchrony Bank/Lowes, P.O. Box 530914,

District/off: 0315-7

User: auto

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Date Rcvd: May 05, 2023

Form ID: pdf900

Total Noticed: 50

			Atlanta, GA 30353-0914
14956573	+ Email/PDF: gecsedl@recoverycorp.com	May 05 2023 23:39:56	Synchrony Bank/Sam's Club, P.O. Box 965005, Orlando, FL 32896-5005
14956574	+ Email/PDF: gecsedl@recoverycorp.com	May 05 2023 23:39:50	Synchrony Bank/Walmart, P.O. Box 960024, Orlando, FL 32896-0024
14991086	+ Email/Text: bncmail@w-legal.com	May 05 2023 23:40:00	TD Bank USA, N.A., C O WEINSTEIN & RILEY, PS, 2001 WESTERN AVENUE, STE 400, SEATTLE, WA 98121-3132
14956575	+ Email/Text: bncmail@w-legal.com	May 05 2023 23:40:00	Td Bank Usa/targetcred, Po Box 673, Minneapolis, MN 55440-0673
14956576	+ Email/PDF: tbiedi@PRAGroup.com	May 05 2023 23:39:55	The Bureaus Inc, 1717 Central St, Evanston, IL 60201-1507
14982517	Email/PDF: ais.wellsfargo.ebn@aisinfo.com	May 05 2023 23:39:56	Wells Fargo Bank, N.A., PO Box 10438, MAC F8235-02F, Des Moines, IA 50306-0438
TOTAL: 43			

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

Recip ID	Bypass Reason	Name and Address
cr		Quicken Loans Inc.
cr		Quicken Loans, LLC
cr	*	ECMC, P.O. BOX 16408, ST. PAUL, MN 55116-0408
cr	*+	PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
14988420	*+	Chase Bank USA, N.A., c/o Robertson, Anschutz & Schneid, P.L., 6409 Congress Avenue, Suite 100, Boca Raton, FL 33487-2853
14956566	##+	Penn Credit Corporatio, 916 S 14th St, Harrisburg, PA 17104-3425

TOTAL: 2 Undeliverable, 3 Duplicate, 1 Out of date forwarding address

NOTICE CERTIFICATION

I, Gustava Winters, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: May 07, 2023

Signature: /s/Gustava Winters

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on May 5, 2023 at the address(es) listed below:

Name	Email Address
Brian Nicholas	on behalf of Creditor Quicken Loans LLC bnicholas@kmlawgroup.com
Brian Nicholas	on behalf of Creditor Quicken Loans Inc. bnicholas@kmlawgroup.com
Kenneth P. Seitz	on behalf of Joint Debtor Brittany R Gurbal thedebterasers@aol.com
Kenneth P. Seitz	

District/off: 0315-7

User: auto

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Date Rcvd: May 05, 2023

Form ID: pdf900

Total Noticed: 50

on behalf of Debtor Emery B Gurbal thedebterasers@aol.com

Office of the United States Trustee

ustpreion03.pi.ecf@usdoj.gov

Ronda J. Winnecour

cmecf@chapter13trusteedpa.com

TOTAL: 6